

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRACY SOUZA,

Plaintiff,

v.

MARYSVILLE SCHOOL DISTRICT NO.
25, et al.,

Defendants.

Case No. 2:24-cv-00689-TLF

ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND

This matter comes before the Court on plaintiff's motion to amend the complaint. Dkt. 13. Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local Rule MJR 13, the parties have consented to have this matter heard by the undersigned Magistrate Judge. Dkt. 7. For the reasons set forth below, the Court grants plaintiff's motion for leave to amend.

BACKGROUND

The current pretrial schedule allows the parties until October 1, 2024 to amend the pleadings. Dkt. 12. On August 16, 2024 plaintiff filed this motion for leave to file an amended complaint. Dkt. 13. Plaintiff has filed a proposed amended complaint in compliance with local rule 15. Dkt. 14-1, Dkt. 14-2. Defendants filed a response indicating that they do not oppose plaintiff's motion. Dkt. 16.

DISCUSSION

1 Pursuant to Federal Rule of Civil Procedure 15(a), after an initial period of
2 amendment as of right, pleadings may be amended only with the opposing party's
3 written consent or by leave of the Court. Leave to amend should be freely given when
4 justice so requires. Fed.R.Civ.P. 15(a)(2); *Desertrain v. City of Los Angeles*, 754 F.3d
5 1147, 1154 (9th Cir. 2014) ("[T]his policy is to be applied with extreme liberality.")

6 The Court must consider five factors when determining the propriety for leave to
7 amend: bad faith, undue delay, prejudice to the opposing party, futility of amendment,
8 and whether the plaintiff has previously amended the complaint. *Desertrain*, 754 F.3d at
9 1154; *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004). Additionally, for each of
10 these factors, the party opposing amendment has the burden of showing that
11 amendment is not warranted. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 187 (9th
12 Cir. 1987); see also *Richardson v. United States*, 841 F.2d 993, 999 (9th Cir. 1988).

13 There is no evidence that plaintiff seeks to amend the complaint in bad faith or to
14 cause delay. Additionally, plaintiff has complied with the Court's deadline for amending
15 the complaint. Further, there is no indication that allowing the requested amendment
16 would unduly prejudice the defendants.

17 DISCUSSION

18 Based on the foregoing the Court Orders:

19 (1) Plaintiff's motion for leave to amend (Dkt. 13) is GRANTED pursuant to


20 Federal Rule of Civil Procedure 15(a)(2);

21 (2) Plaintiff is directed to file the proposed first amended complaint (Dkt. 14-2) as

22 the operative complaint by September 6, 2024; and

23 (3) The Clerk is directed to send a copy of this Order to all parties.

1 Dated this 5th day of September, 2024.

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4 Theresa L. Fricke
5 United States Magistrate Judge
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